

Presdales School



'Achievement for All'

Title	COMPLAINTS PROCEDURE
Version	June 2024
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Enquiries & comments

Any enquiries and comments about this publication may be made to:

Telephone: 01920 462210 / **Email:** admin@presdales.herts.sch.uk

Address: Hoe Lane, Ware, Hertfordshire SG12 9NX

Who can make a complaint?

This complaints procedure is limited to parents or carers of children that are registered at the school. Any student or parent may make a complaint to Presdales School about any provision of facilities or services that we provide. Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions), we will use this complaints procedure.

The difference between a concern and a complaint

We define a concern as *'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'*.

We define a complaint as *'an expression of dissatisfaction however made, about actions taken or a lack of action that requires an investigation and formal response in writing'*.

It is in everyone's interest that concerns and complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to use the formal stages of the complaints procedure. Presdales School takes concerns seriously and will make every effort to resolve the matter as quickly as possible.

If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In these cases, the Headteacher will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, the Headteacher will refer you to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the concern objectively and impartially is the most important factor.

We understand however, that there are occasions when people would only wish to raise their concerns formally. In such circumstances, Presdales School will attempt to resolve the issue(s) internally, through the stages outlined within this complaints policy and procedure.

How to raise a concern or make a complaint

A concern or complaint can be made in person, in writing or by telephone. They may also be made by a third party acting on behalf on a complainant, provided that the third party is able to demonstrate to the school that they have the appropriate consent to do so.

Concerns should be raised with either the Class Teacher, head of year, or Key Stage lead. If the issue remains unresolved, the next step is to make a formal complaint.

Complainants should not approach individual Trustees to raise concerns or complaints. They have no power to act on an individual basis and it may also prevent them from considering complaints at Stage 2 of the formal complaints process. In the event that a Trustee is approached by a complainant, they should signpost the complainant back to the most appropriate person. This could be the Class Teacher, Head of Year, Key Stage lead, Headteacher or Chair of the Trust Board, depending on which stage the complaint has reached.

Complaints against school staff (except the Headteacher) should be made in the first instance, to the Headteacher via the school office. Please mark them as Private and Confidential.

Complaints that involve or are about the Headteacher should be addressed to the Chair of the Trust Board, via the school office. Please mark them as Private and Confidential. The school office will ensure that the Chair of the Trust Board receives this promptly.

Complaints about the Chair of the Trust Board, any individual trustee or the whole Trust Board should be addressed to the Clerk to the Trust Board and submitted to the school office. Please mark them as Private and Confidential. The School Office will ensure that the clerk receives this promptly.

For ease of use, a template complaint form is included at the end of this complaints policy and procedure. If you require help in completing the form, please contact the school office. You can also ask a third-party organisation like the Citizens Advice or an independent advocate to help you. Presdales School will ensure that all formal complaints are documented in writing to ensure that the issues being complained about and the complainant's desired outcomes are clear. Complainants will be asked to submit their complaint in writing, either by sending an email or a letter via the school office or by completing the schools' formal complaint form.

In accordance with equality law, the school will consider making reasonable adjustments if required, to enable complainants to access and complete the complaints process. This includes providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations.

If a complainant is unable to submit their complaint in writing, the school will ensure that the issues being complained about and the outcomes being requested are documented in writing. The school may do this in either of the following ways:

- Invite the complainant to a meeting with the Headteacher or Chair of the Trust Board (depending on what stage the complaint has reached) and a notetaker. The notetaker will document the issues being complained about and the complainant's desired outcomes, as discussed and agreed during the course of the meeting. At the end of the meeting, the complainant will be given a copy of the notes of the meeting containing the information and the school will retain the original copy for the purpose of investigating the complaint(s).
- Signpost the complainant to independent support, including Advocacy. Advocates provide qualified, independent support for people that have difficulty understanding information and advice or who would like support in communicating their views. Advocates can help complainants to formulate their complaint and then submit it on their behalf and support them through the complaints process. POhWER was founded in Hertfordshire in 1996. They deliver services in Hertfordshire as part of the HertsHelp service, in partnership with a wide range of voluntary sector organisations, including Advocacy. It is a free and impartial service. Their contact details are as follows:

POhWER

Telephone: 0300 456 2370

Text: send the word 'pohwer' with your name and number to 81025

Email: pohwer@pohwer.net

Skype: pohwer.advocacy

Post: PO Box 14043, Birmingham, B6 9BL

Anonymous complaints

We will not normally investigate anonymous complaints. In such instances, the Headteacher and/or the Chair of Governors will determine whether the complaint warrants an investigation and will ensure that this

is completed, if so. The outcome of the investigation cannot be shared with the complainant, as the School will not know who they are and therefore, the School cannot ascertain whether or not the person is entitled to have confidential information regarding the complaint investigation shared with them..

Time scales

All complaints must be raised within three months of an incident or event. Where a series of associated incidents have occurred, the complaint must be raised within three months of the last of these incidents. Presdales School will consider exercising the discretion to consider matters raised outside of this timeframe, only if the School deems that exceptional circumstances apply. To enable the school to make this decision, the complainant will be asked to explain their reasons as to why they have taken longer than three months to raise their complaint. If the complainant does not provide any explanation or the school deems that the explanation given is not compelling or exceptional enough to warrant the issue(s) being investigated as a late complaint, the school will confirm this in writing and take no further action.

Complaints received outside of term time

Presdales School will consider any complaints made outside of term time to have been received on the first School day after the holiday period. The School will send the complainant an acknowledgement of their complaint, confirming the date of receipt, what will happen next and the timescale that applies. This will differ depending on what stage of the complaints process has been reached.

Scope of this complaints procedure

This policy and procedure only applies to complaints about the provision of facilities or services by Presdales School.

Some examples of issues that may be complained about are as follows:

- Issues from parents or carers of children who attend the School.
- Complaints regarding student welfare and wellbeing.
- Complaints regarding bullying.
- Complaints regarding staff behaviour.
- A Trustee complaining about a member of Staff.
- A member of Staff complaining about a Trustee.
- A Trustee complaining about another Trustee.
- Complaints about the School's handling of a Subject Access Request (SAR) or a Freedom of Information (FOI) Request.

The following matters cannot be dealt with as a formal complaint:

- Complaints about student behaviour outside of School hours, e.g. weekends and holiday periods
- Complaints regarding third parties using or hiring School premises – third party providers should have their own complaints process and you should contact them directly.
- Complaints about the School carrying out a statutory duty, e.g. making a Child Protection referral – the School's complaints process cannot be invoked to stop it from doing something it has a duty to do.
- Matters likely to require a Child Protection Investigation – Complaints about Child Protection matters are handled under the School's Child Protection and Safeguarding Policy and in accordance with relevant statutory guidance.

- A member of staff complaining about another member of staff – refer to the School’s Internal Grievance Procedures.
- A member of staff complaining about an action or a decision of the School’s Full Trust Board - the Trust Board will have already given the matter full consideration.
- Whistleblowing – refer to the School’s Internal Whistleblowing Procedure for all employees, including temporary staff and contractors. The Secretary of State for Education is the prescribed person for matters relating to education for Whistleblowing in education who do not wish to raise matters directly with their employer. Referrals can be made at www.education.gov.uk/contactus
- Complaints regarding internal management decisions, e.g. Class and Teacher Allocations and School Session Time changes.
- Curriculum content
- Complaints about a decision or process that has been subject to a full consultation and subsequently approved by the Full Trust Board – the Trust Board has already given the matter full consideration and respondents have had the opportunity through the consultation process to put forward their views.
- Unsuccessful School admission applications – may ultimately be appealed to an Independent Appeal Panel.
- Complaints about Fixed-Term or Permanent Exclusions – Permanent Exclusions may ultimately be appealed to an Independent Review Panel (IRP). For Fixed Term Exclusions, representations can be made to the Chair of the Trust Board outside the provisions of the complaints process.

If other bodies are looking into aspects of a complaint, for example the Police, the Local Authority (LA) Safeguarding Teams or a Tribunal, this may impact on the School’s ability to adhere to the timescales set out within this policy and procedure or may result in the process being suspended until the other relevant body has concluded its enquiries.

If a complainant commences legal action against Presdales School in relation to their complaint, we will consider whether to suspend the complaints process until the legal proceedings have concluded. The School will only consider investigating the complaint after the conclusion of legal proceedings if those proceedings did not address the issues at the heart of the complaint.

If other bodies are investigating aspects of the complaint, for example the police, local authority (LA) safeguarding teams or Tribunals, this may impact on our ability to adhere to the timescales within this procedure or result in the procedure being suspended until those public bodies have completed their investigations. If this happens, we will inform you of a proposed new timescale.

If a complainant commences legal action against Presdales School in relation to their complaint, we will consider whether to suspend the complaints procedure until those legal proceedings have concluded. The School will only consider investigating the complaint after the conclusion of legal proceedings if those proceedings did not address the issues at the heart of the complaint.

Resolving complaints

At each stage in the procedure, Presdales School will aim to resolve the complaint. If appropriate, we will acknowledge that the complaint is upheld in whole or in part. In addition, we may offer one or more of the following:

- an explanation
- an admission that the situation could have been handled differently or better
- an assurance that we will try to ensure the event(s) complained of will not recur
- an explanation of the steps that have been or will be taken to help ensure that it will not happen

again and an indication of the timescales within which any changes will be made

- an undertaking to review school policies in light of the complaint
- an apology.

Withdrawal of a complaint

If a complainant wishes to withdraw their complaint, they must inform the School. Presdales School will ask them to confirm this in writing. If they are unable to do this however, the School will write to them to confirm that their complaint has been withdrawn, in accordance with their wishes.

Stage 1 – Informal complaints

It is to be hoped that most concerns can be expressed and resolved on an informal basis.

Concerns should be raised with either the class teacher, year head / subject head or head teacher.

Complainants should not approach individual trustees to raise concerns or complaints. They have no power to act on an individual basis and it may also prevent them from considering complaints at Stage 3 of the procedure.

At the conclusion of their investigation, the appropriate person investigating the complaint will provide an informal written response within 15 school days of the date of receipt of the complaint.

If the issue remains unresolved, the next step is to make a formal complaint.

Stage 2 – Formal complaints

Formal complaints must be made to the head teacher (unless they are about the head teacher), via the school office. This may be done in person or in writing (preferably on the Complaint Form).

If you are unable to submit your complaint in writing by email or letter or by using the formal complaint form, the School will follow the steps set out on pages 2 and 3 of this policy and procedure, by offering to meet you and/or signposting you to a free and impartial Advocacy and Support Service.

The head teacher will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within 7 school days.

Within this response, the head teacher will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. The head teacher can consider whether a face to face meeting is the most appropriate way of doing this. The Headteacher may delegate the investigation to another member of the school's senior leadership team but not the decision to be taken.

During the investigation, the head teacher (or investigator) will:

- if necessary, interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish. The decision in terms of who should be interviewed and how is up to the Headteacher (or Investigator).
- keep a written record of any meetings/interviews in relation to their investigation.

At the conclusion of their investigation, the Headteacher will provide a formal written response within 15 school days of the date of receipt of the complaint.

If the Headteacher is unable to meet this deadline, they will provide the complainant with an update and

revised response date.

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions Presdales School will take to resolve the complaint.

The Headteacher will advise the complainant of how they may escalate their complaint should they remain dissatisfied with the outcome of Stage 2.

If the complaint is about the head teacher, or a member of the trust board (including the Chair or Vice-Chair), a suitably skilled trustee will be appointed to complete all the actions at Stage 2.

Complaints about the head teacher or member of the trust board must be made to the Clerk, via the school office.

If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire trust board or
- the majority of the trust board

Stage 2 will be considered by an independent investigator appointed by the trust board. At the conclusion of their investigation, the independent investigator will provide a formal written response.

Stage 3 – Consideration of the complaint by the Chair of the Trust Board

If the complainant is dissatisfied with the Stage 2 response to their complaint, they have 10 School days in which to request escalation to Stage 3 of the complaints process.

Escalation requests made outside of this timeframe do not have to be accepted.

If the request is late, the complainant will be asked to explain why they have taken longer than 10 School days to request escalation of their complaint to the next stage. If the complainant does not provide any explanation or the School deems that the explanation given is not compelling or exceptional enough to warrant accepting the escalation request out of timescale, the School will confirm this in writing and take no further action.

Complaints can be escalated by contacting the clerk to the governing board:

- By letter or email
- Over the phone
- In person
- Through a third party acting on behalf of the complainant

The written conclusion of this investigation will be sent to the complainant within 15 school days.

Stage 4 – Panel Hearing

If the complainant is dissatisfied with the outcome at Stage 3 and wishes to take the matter further, they can escalate the complaint to Stage 4 – a panel hearing consisting of at least three people who were not directly involved in the matters detailed in the complaint with one panel member who is independent of the management and running of the school. This is the final stage of the complaints procedure.

A request to escalate to Stage 4 must be made to the Clerk, via the school office, within 5 school days of receipt of the Stage 3 response.

The Clerk will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within 7 school days.

Requests received outside of this time frame will only be considered if exceptional circumstances apply.

The Clerk will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within 15 school days of receipt of the Stage 4 request. If this is not possible, the Clerk will provide an anticipated date and keep the complainant informed.

If the complainant rejects the offer of three proposed dates, without good reason, the Clerk will decide when to hold the meeting. It will then proceed in the complainant's absence on the basis of written submissions from both parties.

If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire trust board or
- the majority of the trust board

Stage 4 will be heard by a completely independent committee panel.

Both parties (i.e. the complainant and the respondent on behalf of the School) may bring someone along with them to provide support. This could be a friend, relative or independent supporter. Generally, whilst not prohibited, we do not encourage either party to bring Legal Representatives to the Panel Hearing as it is not a Court of Law and cross questioning is not permitted. All questioning throughout the Hearing is conducted by the Panel. Witnesses, including members of staff, may be invited to give evidence during the course of the Panel Hearing. They may also bring someone along with them to provide support, such as a friend, relative or independent supporter.

If a complaint is made regarding the behaviour or conduct of a member of staff and it is upheld in full or in part, this may result in some form of disciplinary action taking place. Where this is the case, complainants will be informed that the matter will be progressed through Staff Disciplinary Procedures, if appropriate, but the outcome(s) cannot be shared with them as this information is confidential between the employer and employee.

Representatives from the media are not permitted to attend.

At least 10 school days before the meeting, the Clerk will:

- Confirm and notify the complainant (and the respondent on behalf of the School) of the date, time and venue of the Panel Hearing. Every effort should be made to try and ensure that that Hearing date and time is convenient for both parties and that the venue and proceedings are accessible. Please note however, that if the complainant rejects the offer of three proposed dates and without good reason, the Chair of the Trust Board (or the Clerk) will decide when the Panel Hearing will be

and it is permitted to proceed in the complainant's absence on the basis that the Panel will consider all written submissions from both parties. Similarly, if either party elects to leave the Hearing before it has finished, it is permitted to continue in their absence.

- Request copies of any further written material to be submitted to the Panel at least 7 School days before the meeting. Late evidence will not be accepted.

Any written material will be circulated to all parties at least 5 school days before the date of the hearing. The committee will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

The complaints panel will also not review any new complaints at this stage or consider evidence unrelated to the initial complaint to be included. New complaints must be dealt with from Stage 1 of the complaints policy first.

The hearing will be held in private. Electronic recordings of the hearing or conversations are not normally permitted unless a complainant's own disability or special needs require it.

Prior knowledge and consent of all parties attending must be sought and obtained before recording of the Hearing can take place. Any request to audio or video record the meeting and whether this was consented to or not by all parties present should be documented in the Clerk's detailed notes of the Hearing. The final decision as to what reasonable adjustments will be made, if any, rests with the school.

The committee will consider the complaint and all the evidence presented. The committee can:

- uphold the complaint in whole or in part
- dismiss the complaint in whole or in part.
- Make a finding of No Judgement if there is insufficient evidence to reach a definitive conclusion.

If the complaint is upheld in whole or in part, the committee will:

- decide on the appropriate action to be taken to resolve the complaint
- where appropriate, recommend changes to the school's systems or procedures to prevent similar issues in the future.

The Chair of the Committee will provide the complainant and Presdales School with a full explanation of their decision and the reason(s) for it, in writing, within 10 school days.

The letter to the complainant will include details of how to contact the Education and Skills Funding Agency (ESFA) if they are dissatisfied with the way their complaint has been handled by Presdales School

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions Presdales School will take to resolve the complaint.

The panel will ensure that those findings and recommendations are sent by electronic mail or otherwise given to the complainant and, where relevant, the person complained about. Furthermore, they will be available for inspection on the school premises by the proprietor and the head teacher.

A written record will be kept of all complaints, and of whether they are resolved at the preliminary stage or proceed to a panel hearing, along with what actions have been taken, regardless of the decision.

All correspondence, statements and records relating to individual complaints will be kept confidential except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them.

Next Steps

If the complainant believes the school did not handle their complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact the ESFA after they have completed Stage 4.

The ESFA will not normally reinvestigate the substance of complaints or overturn any decisions made by Presdales School. They will consider whether Presdales School has adhered to education legislation and any statutory policies connected with the complaint and whether they have followed [Part 7 of the Education \(Independent School Standards\) Regulations 2014](#).

The complainant can refer their complaint to the ESFA online at: www.education.gov.uk/contactus, by telephone on: 0370 000 2288 or by writing to:

Academy Complaints and Customer Insight Unit
Education and Skills Funding Agency
Cheylesmore House
5 Quinton Road
Coventry
CV1 2WT

Complaint Form

Please complete and return the Headteacher who will acknowledge receipt and explain what action will be taken.

Your name:
Student's name (if relevant):
Your relationship to the student (if relevant):
Address: Postcode: Day time telephone number: Evening telephone number: Email address:
Please give details of your complaint, including whether you have spoken to anybody at the school about it.

What actions do you feel might resolve the problem at this stage?

Are you attaching any paperwork? If so, please give details.

Signature:

Date:

Official use

Date acknowledgement sent:

By who:

Complaint referred to:

Action taken:

Date:

Roles and Responsibilities

Complainant

The complainant will receive a more effective response to the complaint if they:

- explain the complaint in full as early as possible
- co-operate with the school in seeking a solution to the complaint
- respond promptly to requests for information or meetings or in agreeing the details of the complaint
- ask for assistance as needed
- treat all those involved in the complaint with respect
- refrain from publicising the details of their complaint on social media and respect confidentiality.

Investigator

The investigator's role is to establish the facts relevant to the complaint by:

- providing a comprehensive, open, transparent and fair consideration of the complaint through:
 - sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved
 - interviewing staff and children/young people and other people relevant to the complaint
 - consideration of records and other relevant information
 - analysing information
- liaising with the complainant and the complaints co-ordinator as appropriate to clarify what the complainant feels would put things right.

The investigator should:

- conduct interviews with an open mind and be prepared to persist in the questioning
- keep notes of interviews or arrange for an independent note taker to record minutes of the meeting
- ensure that any papers produced during the investigation are kept securely pending any appeal
- be mindful of the timescales to respond
- prepare a comprehensive report for the head teacher or complaints committee that sets out the facts, identifies solutions and recommends courses of action to resolve problems.
- The head teacher or complaints committee will then determine whether to uphold or dismiss the complaint and communicate that decision to the complainant, providing the appropriate escalation details.

Complaints Co-ordinator

The complaints co-ordinator should:

- ensure that the complainant is fully updated at each stage of the procedure
- liaise with staff members, head teacher, Chair of the Trust Board or the Clerk and to ensure the smooth running of the complaints procedure

- be aware of issues regarding:
 - sharing third party information
 - additional support. This may be needed by complainants when making a complaint including interpretation support or where the complainant is a child or young person
- keep records.

Clerk to the Trust Board

The Clerk is the contact point for the complainant and the committee and should:

- ensure that all people involved in the complaint procedure are aware of their legal rights and duties, including any under legislation relating to school complaints, education law, the Equality Act 2010, the Freedom of Information Act 2000, the Data Protection Act (DPA) 2018 and the General Data Protection Regulations (GDPR)
- set the date, time and venue of the meeting, ensuring that the dates are convenient to all parties (if they are invited to attend) and that the venue and proceedings are accessible
- collate any written material relevant to the complaint (for example: stage 1 paperwork, school and complainant submissions) and send it to the parties in advance of the meeting within an agreed timescale
- record the proceedings
- circulate the minutes of the meeting
- notify all parties of the committee's decision.

Committee Chair

The committee's chair, who is nominated in advance of the complaint meeting, should ensure that:

- both parties are asked (via the Clerk) to provide any additional information relating to the complaint by a specified date in advance of the meeting
- the meeting is conducted in an informal manner, is not adversarial, and that, if all parties are invited to attend, everyone is treated with respect and courtesy
- complainants who may not be used to speaking at such a meeting are put at ease. This is particularly important if the complainant is a child/young person
- the remit of the committee is explained to the complainant
- written material is seen by everyone in attendance, provided it does not breach confidentiality or any individual's rights to privacy under the DPA 2018 or GDPR.

If a new issue arises it would be useful to give everyone the opportunity to consider and comment upon it; this may require a short adjournment of the meeting

- both the complainant and the school are given the opportunity to make their case and seek clarity, either through written submissions ahead of the meeting or verbally in the meeting itself
- the issues are addressed

- key findings of fact are made
- the committee is open-minded and acts independently
- no member of the committee has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure
- the meeting is minuted
- they liaise with the Clerk (and complaints co-ordinator, if the school has one).

Committee Member

Committee members should be aware that:

- the meeting must be independent and impartial, and should be seen to be so

No trustee may sit on the committee if they have had a prior involvement in the complaint or in the circumstances surrounding it.

- the aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant

We recognise that the complainant might not be satisfied with the outcome if the meeting does not find in their favour. It may only be possible to establish the facts and make recommendations.

- many complainants will feel nervous and inhibited in a formal setting

Parents/carers often feel emotional when discussing an issue that affects their child.

- extra care needs to be taken when the complainant is a child/young person and present during all or part of the meeting

Careful consideration of the atmosphere and proceedings should ensure that the child/young person does not feel intimidated.

The committee should respect the views of the child/young person and give them equal consideration to those of adults.

If the child/young person is the complainant, the committee should ask in advance if any support is needed to help them present their complaint. Where the child/young person's parent is the complainant, the committee should give the parent the opportunity to say which parts of the meeting, if any, the child/young person needs to attend.

However, the parent should be advised that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting that the committee considers is not in the child/young person's best interests.

- the welfare of the child/young person is paramount.